

**REMARKS**

This Application has been carefully reviewed in light of the final Office Action mailed December 14, 2006 ("Office Action"). Claims 1-39 are pending in the present application and currently stand rejected.

**Del Rey Reference**

Applicants previously noted that every rejection is based on U.S. 2006/0106703 A1, listing Del Rey, et al. as inventors ("*Del Rey*"). Applicants also previously pointed out that *Del Rey* has an actual filing date (November 18, 2005) after the priority date of the Application (December 29, 2000). Therefore, in establishing a *prima facie* rejection that utilizes *Del Rey* as a reference, Applicants submit that the PTO must (1) establish the rejection based on the disclosure of *Del Rey*, and (2) include a showing of support in a provisional application to which *Del Rey* claims priority. See M.P.E.P. §706.02, Example 2 and M.P.E.P. §2136.03. The PTO has not provided such a showing. Accordingly, Applicants respectfully request that the PTO provide a showing within the provisional patent application to which *Del Rey* claims priority of every rejection based on *Del Rey*.

**Section 102 Rejection**

Claims 1-6, 12, 14, 16-20, 22, 27, 29-31, 36 and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Del Rey*. Applicants traverse this rejection.

As the PTO is fully aware, in order for a reference to anticipate a claim "[t]he identical invention **must** be shown in as **complete detail** as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). Further, Applicants respectfully remind the PTO that "**the particular part relied on** must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 C.F.R. §1.104 (Emphasis added). With these threshold requirement in mind, Applicant submits that the PTO has failed to establish a *prima facie* case of anticipation using *Del Rey*.

Independent Claim 1 is allowable because *Del Rey* fails to disclose, expressly or inherently, "initiating a service request message by a first client to a first server, the

service request message initiated after a telephony call session has been established between the first client and a communication network, the service request message including the first client identity and a requested service available from a second server comprising a plurality of services.”

The Office Action alleges that *Del Rey* discloses these features at Paragraphs 0019, 0020, and 0026, but this is incorrect. Paragraphs 0019, 0020, 0026, generally describe an ability to “enable[] clients and/or advisors the ability to view comprehensive financial data associated with a particular client.” In these paragraphs, no details are provided as to a service request message initiated after a telephony call session has been established, let alone, the service request message containing the first client identity and a requested service. Further, there is absolutely no reference to a telephony call session within *Del Rey*. Additionally, it is unclear from these paragraphs what could serve as the first server and the second server.

In response to arguments similar to those above, it appears that the PTO is alleging that an SSL connection is a “telephony call session.” See Office Action, Page 2. This, however, is incorrect. Description of an Secure Socket Layer (SSL) connection in and of itself does not disclose a “telephony call session.” A close review of *Del Rey* reveals that *Del Rey* discloses “internet telephony sessions,” which is not the same level of detail as a “telephony call session.”

In response to arguments similar to those above, it appears that the PTO is also alleging that the “advisor machines” are a “plurality of servers.” Applicants note that *Del Rey* mention nothing of an “advisor machine.” Furthermore, the PTO does not explain how such alleged “advisor machines” could meet the limitation of the claims, concerning a first server and a second server. To this end, Applicants respectfully remind the PTO that “the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 C.F.R. §1.104 (Emphasis added). If the PTO alleges the “advisor desktop” is a “server,” Applicants question how this “desktop” could meet the limitation of the second server, namely ” the service request message including the first client identity and a requested service available from a second server comprising a plurality of services.”

Independent Claim 1 is also allowable because *Del Rey* fails to disclose, expressly or inherently, “delivering the requested service to the first client during the established telephony call session by the second server in response to determining that the first client is authorized to use the requested service.” The Office Action alleges that paragraph [0031] of *Del Rey* discloses these features, but this is incorrect. Paragraph [0031] of *Del Rey* describes providing a client with a consolidated view of the client’s financial portfolio. Paragraph [0031] simply mentions nothing of “delivering the requested service to the first client during the **established telephony call session** by the **second server** in response to determining that the first client is authorized to use the requested service.” More particularly, paragraph [0031] mentions nothing of an **established telephony call session**. Further, if it is maintained that paragraph [0031] teaches the features involving the second server, Applicants question where *Del Rey* discloses features of the “first server” – elsewhere in Claim 1.

For at least the above reasons, Applicants submit that a *prima facie* rejection has not been established. *Del Rey* does not disclose the claimed invention in as **complete detail** as is contained in Independent Claim 1. Accordingly, Independent Claim 1 and its dependents should be allowed as should Independent Claims 14, 29, and 36 and their dependents for analogous reasons.

**Section 103 Rejections**

Numerous other rejections were made to dependent claims under 35 U.S.C. §103(a). These rejections are moot because the Independent Claims should be allowed as indicated above.

**Failure to Establish Prima Facie Rejection**

Applicant submits that the above indicated errors in failing to establish a *prima facie* case of anticipation are clear errors of law as defined by the Official Gazette Notice of July 12, 2005, establishing the procedure for the Pre-Appeal Brief Request for Review, and if maintained, would clearly be overturned by a Pre-Appeal Panel.

**Request for Evidentiary Support**

Should any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge, Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**No Waiver**

All of Applicant's arguments and amendments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Ryan S. Loveless, Attorney for Applicant, at the Examiner's convenience at (214) 953-6913.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
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